

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24963 of 2018

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Dhirendra Construction Pvt. Ltd. official address- S.K Nagar Motihari P.S Town Thana, Motihari, District East Champaran Motihari, th son of Yamuna Prasad Singh, Resident of Road No.2 Laxman Chowk, Bankers colony Banjaria, East Champaran, Bihar-845401

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer-3 Rural Works Department, Government of Bihar, Patna.
4. The Special Secretary Cum internal Advisor Finance, Rural Works Department Government of Bihar, Patna.
5. Superintendent Engineer Rural Works Department, Works Circle, Motihari
6. The Executive Engineer, Rural works Department Works Division Dhaka, District East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar
For the Respondent/s	:	Mr. P.N. Shahi- AAG 6
		Mr. Ravindra Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 17-04-2023

In the instant petition, petitioner has prayed for the following relief(s):-

“i. For setting aside the decision of the Departmental Tender Committee, Rural Works Department, Government of Bihar, Patna Dated 17.12.2018 contained in Memo No. 5829 Dated



17.12.2018 whereby the Tender No. Re-Tender No. RWD/NABARD/Dhaka/E-Tender/11/2018-19 relating to construction of Road Sapahi to Patjilwa has been cancelled even after the petitioner was declared successful in Technical Tender, as well as Financial Tender and that too without any show cause and only on the basis of a typographical error in the affidavit of the petitioner and a further direction has been issued to issue fresh tender.

ii. For a further direction to the respondent authorities to issue work order and enter in to an agreement with the petitioner as he was declared qualified in the technical tender, declared L-1 in the financial tender, but subsequently tender has been cancelled on flimsy and erroneous ground.

iii. For any other relief for which the petitioner may be deemed entitled to.”

2. Learned counsel for the petitioner submitted that inadvertently a wrong affidavit has been filed insofar as educational qualification of one Bipin Kumar who is stated to be an employee of the petitioner to the extent that he is a Civil Engineer (Graduate), on the other hand, he is only a diploma holder.

3. In the counter-affidavit, in Paragraph Nos. 10 and 11, it is contended as follows:-

“10. That thereafter, after holding the petitioner successful in the bid proceedings, all the bids the papers and documents were again minutely scrutinized/verified with respect to their compatibility and correctness in which it has been found that in the affidavits



submitted by the petitioner with the bid in which it has been categorically stated that all the three engineers namely Braj Kishore Satendra Srivastav, Bipin Kumar and Satendra Kumar all are Civil Engineers is a wrong statement. One of the petitioner's engineer namely Bipin Kumar has been found to be Diploma holder and not civil engineering graduate, whereas in the affidavits of the petitioner and his engineer namely Bipin Kumar it is clearly stated that in the submitted affidavits with the bid documents that Bipin Kumar is graduate civil engineer. In the aforesaid light of the facts of the case Departmental Tender Committee on 17.12.2018 met and took decision to cancel the tender itself and decided to float fresh tender for the aforesaid work along with other decisions.

*11. That in this respect **Clause 4.8 of Section I Instruction to Standard Bidders (ITB)** of the Standard Bidding Document is specifically provides that even though the bidders made the qualifying criteria, they are subject to be disqualified if they have made misleading or false representation in the forms, statements and attachments submitted in proof of the qualification requirements.”*

4. In the light of instructions to the bidders, in particularly, Clause 4.8 of Section(1)-Instruction to Bidders (ITB) is crystal clear. Therefore, there is no infirmity in the impugned action.

5. Accordingly, the writ petition stands dismissed.



6. Pending Interlocutory Application/s, if any, stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Himanshu/-
Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.04.2023
Transmission Date	NA

